

party's request to file materials under seal must be made by formal motion, separate from the motion or other pleading sought to be sealed, pursuant to LCvR 7.1. Such motion must be filed electronically under the designation "Motion to Seal." The motion must set forth:

- (1) A non-confidential description of the material sought to be sealed;
- (2) A statement indicating why sealing is necessary and why there are no alternatives to filing under seal;
- (3) Unless permanent sealing is sought, a statement indicating how long the party seeks to have the material maintained under seal and how the matter is to be handled upon unsealing; and
- (4) Supporting statutes, case law, or other authority.

LCvR 6.1.

By the instant motion, Plaintiffs seek to seal all of "Plaintiffs' Opposition to Defendants' Motion For Protective Order..." (Document No. 94) and Exhibits A through K. (Document No. 95). Notably, none of "Defendants' Motion For Protective Order..." (Document No. 87) nor its attachments have been sealed.

It appears that the requirements of LCvR 6.1(c)(1) through (4) have been addressed; however, the instant motion does not comply with the requirement of consultation in LCvR 7.1(b). Instead, the motion states that "Plaintiffs *intend* to meet and confer with Defendants in order to determine appropriate redactions of these documents." (Document No. 95, p. 3) (emphasis added). Respectfully, Plaintiffs have the process backwards. Local Rule 7.1(b) requires that "[c]ivil motions must show that counsel *have* conferred," otherwise, the motion "may be summarily denied." LCvR 7.1(b) (emphasis added).

In this instance, the undersigned will not summarily deny the motion. However, counsel for the parties must promptly confer and then file redacted versions of the documents Plaintiffs

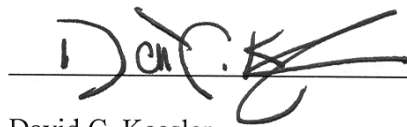
seek to seal. The undersigned is not persuaded that there are no alternatives to filing these documents under seal. See LCvR 6.1(c)(2). Limited redactions may be appropriate for some of the documents, but the sealing of all the documents and/or extensive redactions appears to be unnecessary and inconsistent with the “presumption under applicable common law and the First Amendment that materials filed in this Court will be filed unsealed.” LCvR 6.1(a).

IT IS, THEREFORE, ORDERED that Plaintiffs’ “Motion To Seal” (Document No. 95) is **GRANTED**. Document No. 94 shall remain under **SEAL** until otherwise ordered by this Court.

IT IS FURTHER ORDERED that Plaintiffs, following consultation with Defendants’ counsel, shall file redacted versions of the sealed documents on or before **September 19, 2024**. Redactions should be applied only as necessary.

SO ORDERED.

Signed: September 12, 2024



David C. Keesler
United States Magistrate Judge

